

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. CR-03-145-R
)	
KENYA L. NICHOLSON,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Kenya Lasale Nicholson’s Reply [Doc. No. 510] to Government’s Response [Doc. No. 508] in Opposition to Mr. Nicholson’s prior Motion [Doc. No. 506] for Sentence Modification. This Court issued an Order denying Mr. Nicholson’s motion on September 6, 2023. [Doc. No. 509].

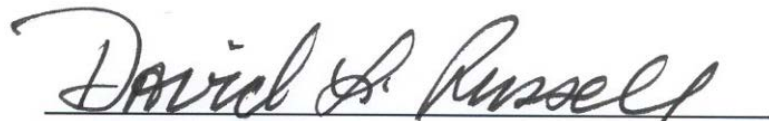
Mr. Nicholson sent his Reply on September 11, 2023, and this Court received it on September 18, 2023. *See* Reply at 5. As such, it was filed out of time, even with the benefit of the “prisoner mailbox rule.”¹ Parties must file a Reply within seven days of a Response being filed per LCvR7.1(i).² Seeing as the Government filed its Response on August 11, 2023, Mr. Nicholson was provided ample time to reply if he so desired. Accordingly, Mr. Nicholson’s Reply is deemed untimely.

¹ *Lockaby v. Young*, 42 Fed.Appx. 313, 318 (10th Cir. 2002) (“an inmate’s pleadings are deemed filed as of the date on which they are deposited into the appropriate prison mailing system.”)

² *See* “Local Court Rules,” <https://www.okwd.uscourts.gov/rules-procedures/local-rules/>.

Regardless of its timing, Mr. Nicholson's Reply raises no meritorious arguments that impact this Court's decision. The Order stands.

IT IS SO ORDERED this 21st day of September 2023.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE